

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

QUIRKY, INC. and BEN KAUFMAN,)	CIVIL ACTION NO. 12-262
)	
Plaintiffs,)	JUDGE JOY FLOWERS CONTI
)	
)	
v.)	
)	
DAVISON DESIGN & DEVELOPMENT, INC.,)	
)	
Defendant.)	
)	

ORDER REFERRING CASE TO ALTERNATIVE DISPUTE RESOLUTION

After due consideration of the issues and in consultation with the parties, the Court finds that this case is appropriate for referral to an alternative form of dispute resolution as provided by the local rules of this Court.

IT IS HEREBY ORDERED:

(a) Referral to ADR: This case is referred to: mediation .
David G. Oberdick is appointed to serve as the mediator. Compensation of the neutral will be as follows: 50 % by Plaintiff and 50 % by Defendant.* Compensation shall be paid directly to the neutral upon the conclusion of the ADR process. Failure to pay the neutral shall be brought to the attention of the Court.

(b) Conduct of ADR Conference(s): The ADR conference(s) shall be conducted in accordance with Local Rule 16.2 and the Court's ADR Policies and Procedures.

(c) Scheduling ADR Conference(s): The ADR conference(s) shall be concluded before **November 26, 2012** unless extended by order of the Court. The ADR conferences may be conducted at any location agreed to by the parties, counsel, and the assigned neutral.

(d) Designation of Lead Counsel: **James R. Kyper** is designated as lead counsel and shall be responsible for working with the parties and the neutral to coordinate an agreeable date, time and location for the initial ADR conference.

e) Responsibilities of Lead Counsel: It is the responsibility of lead counsel to insure that notice of the date, time and location of the mediation has been electronically filed with the Court on or before **October 9, 2012**. THE COURT SHALL BE PROMPTLY NOTICED OF ANY RESCHEDULED DATE FOR THE SCHEDULED CONFERENCE.

If the parties are utilizing a private process, the case is still governed by the Court's Local Rules and ADR Policies and Procedures. When private processes are used, it is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

The parties are hereby notified that any individual neutral (Court approved or private) is required to become a registered user of the Electronic Case Filing System (ECF) in the United States District Court for the Western District of Pennsylvania. Counsel shall so notify their agreed upon neutral and refer them to the Court's website at www.pawd.uscourts.gov for user registration forms. Counsel shall confirm to the Court that the selected neutral has completed the process.

Nothing in this order alters the Case Management Order previously entered in this case. All deadlines set forth in that Case Management Order remain in full force and effect.

SO ORDERED this 28th day of September, 2012.

/s/ Joy Flowers Conti
UNITED STATES DISTRICT JUDGE